THE HON'BLE SRI JUTICE C.V.RAMULU

WRIT PETITION No.16490 of 2000

Dated: 24.07.2006

Between:

D. Udaya Bhaskara Varma S/o Suryanarayana Raju
and others.

... **PETITIONERS**

And:

The Mandal Revenue Officer, Nakkapalli,
Visakhapatnam District and others.

.... **RESPONDENTS**

THE HON'BLE SRI JUTICE C.V.RAMULU

WRIT PETITION No.16490 of 2000

ORDER:

This writ petition is filed seeking a mandamus declaring the letter of the first respondent, dated 18.09.1998, in file No.107/98-A/1, as arbitrary and illegal.

It is the case of the petitioners that they are the farmers of Gunupudi and Pentakota villages, Payyakaraopet Mandal, Visakhapatnam District. The Government of Andhra Pradesh has introduced the A.P. Farmers Management of Irrigation Systems Act, 1997 for improvement of Water use efficiency and reduction, greater crop discipline, elimination of concealment of unauthorized irrigation, equitable distribution of water, superior maintenance and operation of the irrigation system and higher accountability of the Government Department, to cater to the needs of the aspirations of the farmers. The 5th respondent had purchased the lower reaches lands within an

extent of Ac.250.00 from the small owners of Gunupudi and Pentakota villages in the year 1995 for development of Aquaculture. The water available in the source is sufficient for the agricultural lands and if the 5th respondent is permitted to draw the water from the ayacut, nothing remains for the ayacutdars. Further, respondents 1 and 2 have addressed the impugned letter, dated 18.09.1998, to the Assistant Engineer, (I & CAD Department), Pyakaraopet, Visakhapatnam District-fourth respondent herein, informing him that the lands pertaining to aqua farms need not be deleted from the ayacut and that water from Government water source can be utilized for the said lands.

A counter-affidavit has been filed by the Mandal Revenue Officer concerned stating that the lands in which the 5th respondent is carrying out Aquaculture, is also covered by the ayacut of the irrigation source. Therefore, the 5th respondent is also entitled to draw the water, and under those circumstances, the impugned letter, dated 18.09.1998, was issued. The writ petition is devoid of merits and the same is liable to be dismissed.

In view of the above assertion made in the counter, the writ petition is disposed of directing the respondents to release the water for the aqua farm of the 5th respondent, provided the said aquaculture is being carried out after obtaining due permission from the District Collector concerned, as per the existing rules, and if such aquaculture is not creating any problem to the neighbouring ayacutdars. Further, the excess water, after that is utilized for the regular agricultural lands, can be permitted to be drawn by the 5th respondent, even if there is any such permission as per law is available with the 5th respondent. No order as to costs.

_____

24.07.2006

sh